

### Claim Rejections

With regard to the Examiner's rejection of claims 5 and 8 under 35 U.S.C. § 102(e) as being anticipated by *Kita*, Applicant respectfully traverses these rejections.

The Examiner asserts that *Kita* discloses essentially all of the claimed invention. Specifically, the Examiner asserts

In addition *Kita* discloses a[n] image processing unit capable of data communication with mobile telephone (21) and of image output (27) and mobile telephone being capable of communication with a communication apparatus via a network,... (Paper 3, para. 2).

The Examiner fails to make any assertion that *Kita* teaches an incoming-image alert generating unit for issuing an incoming-call alert when data that has been received by the data receiving unit represents image data. The Examiner asserts that *Kita* teaches "an incoming-image alert generating unit for issuing an incoming call alert when data that has been received as disclosed in Abstract and exhibited in Fig. 1."

It is respectfully submitted that *Kita* discloses an incoming calling system to securely notify the user of the incoming to a radio portable terminal of a mobile communication unit or the like without disturbing others. Specifically, *Kita* teaches

When portable telephone (21) receives an incoming call signal according to incoming calling from a base station (22), it generates a speech signal of an incoming tone and the speech signal is input to the incoming notification signal transmitter (24) through the earphone-microphone terminal (23) to detect incoming. The incoming notification signal transmitter (24) is constituted so as to generate incoming notification signal (25), transmit the signal to a card-type incoming notification signal receiver (26) or a wrist-type incoming notification signal receiver (27) by radio, and notify the user of incoming at portable telephone (21) side by vibration or a sound output buzzer. (Abstract)

In contrast, the present invention as set forth in claim 5 recites, *inter alia*, an image processing unit capable of data communication with a mobile telephone and of image output, the mobile telephone being capable of communicating with a communication apparatus via a network, the image processing unit comprising an incoming-image alert generating unit for issuing an incoming-call alert when data that has been received by the data receiving unit represents image data.

It is respectfully submitted that *Kita* fails to discuss the transmission of image data and further fails to discuss issuing an incoming-call alert when image data has been received by the data receiving unit. Should the Examiner maintain her rejection, Applicant respectfully requests the Examiner provide specific citations with the *Kita* reference that disclose issuing an incoming-call alert when image data has been received by the data receiving unit.

Based upon the above, it is respectfully submitted that claim 5 is not anticipated by *Kita*.

It is respectfully submitted that claim 8 contains elements similar to those discussed above with regard to claim 5 and, as such, claim 8 is not anticipated by *Kita*.

### **CONCLUSION**

Should there be any outstanding matters which need to be resolved in the present application, we respectfully request the Examiner to contact Catherine M. Voisinet (Reg. No. 52,327) at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/578,679

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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